IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Appeal From Order No. 307 of 2001
(Old No. 1287 of 1992)

New India Assurance Co. Ltd.
Ranch Almora,
Through the Sr. Divisional Manger
IX Floor, Indira Bhawan, Civil Lines,
Allahabad.

…… Appellant

Versus

Jiwan Singh and others

……. Respondent

Mr. Rajesh Joshi, Advocate holding brief of
Mr. T.A. Khan, learned counsel for the appellant.
None for the respondents.

Hon'ble Prafulla C. Pant, J.

Learned counsel for the appellant is present.

2) This appeal was preferred in the year 1992 before the Allahabad High Court and received by this Court, for its disposal, under Section 35 of the U.P. Re-organization Act, 2000.

3) Memo of appeal shows that this appeal is directed against the judgment and award dated 21.09.1991, passed by learned Special Judge / Motor Accident Claims Tribunal, Nainital, in Claim Petition No. 309 of 1987. Since 1992, the appellant has not filed any copy of the impugned judgment and award against which this appeal is filed before the Allahabad High Court, for last 13 years. Even defendant – respondent Padam Singh is reported to have died in the year 1990 (i.e. before this appeal was filed). A death certificate

issued by Gram Panchayat Kamshyari is on the record with the processes (received back) issued by this Court.

4) In the circumstances as discussed above, this appeal is liable to be dismissed. The same is dismissed in limine.

(Prafulla C. Pant, J.)

Dt. 3rd March, 2006.
H.Negi